IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 494 of 2006

1. Jahid Ali Khan S/o Sri Wajid Ali Khan
   R/o Sahista Adhyapika Abdulla Nursory
   Gulzar Residenci First Floor
   Flat No. A-6
   Sarsayyed Nagar
   District Aligarh (U.P.)
2. Wasid Ali Khan S/o Sri Wajid Ali Khan
   R/o Rafi Ahmad Ex Driver University
   Choti Masjid Near Tooti Boundri
   Jamalpur District Aligarh ... Applicants

Vs

1. State of Uttaranchal through Secretary Home
2. Mohammad Miya S/o Sri Rafiq Miya
   R/o Adharsh Colony Rudrapur
   P.S. Rudrapur
   District Udham Singh Nagar ...Respondents

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicants for quashing the proceedings in Case Crime No. 388 of 2005 under Section 452, 323, 504, 506 I.P.C. pending in the court of First Additional Civil Judge (J.D.)/Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

2. Heard Sri Lalit Tewari, learned counsel for the applicants and perused the record.

3. The learned Magistrate passed the summoning order on the basis of the complaint filed by the respondent No. 2 as well as the statement recorded under Section 200 and 202 Cr.P.C.

4. I do not find any abuse of process of court in the impugned summoning order passed by the trial court. The

learned Magistrate is not supposed to consider the evidence meticulously at the stage of passing the summoning order.

5. I am not suppose to embark upon an enquiry with regard to the assessment of evidence specially when the evidence is still incomplete and hazy and yet to be adduced before the court concerned.

6. I do not find any flagrant injustice to be caused to the petitioners. Accordingly, the petition lacks merit and is liable to be dismissed.

7. Accordingly, the petition filed under Section 482 Cr.P.C. is hereby dismissed.

8. However, in case, if the petitioners appeared for seeking their bail, the trial court is directed to dispose of the bail applications expeditiously.

(B.C. Kandpal, J.)

06.07.2006
ASWAL